IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRAULIO BATISTA, : CIVIL NO. 1:13-CV-0126

Plaintiff : (Judge Rambo)

v. : (Magistrate Judge Schwab)

LIEUTENANT DANNER and UNITED STATES OF AMERICA,

Respondents

ORDER

Before the court is a December 10, 2013 report and recommendation of the magistrate judge to whom this matter is referred. Objections to the report and recommendation were due no later than December 27, 2013 and, to date, no objections have been filed.¹ Accordingly, upon independent review of the record and applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The court adopts the report and recommendation of Magistrate Judge Schwab.
- 2) Defendants' motion to dismiss and for summary judgment (Doc. 13) is **GRANTED**.
- 3) The Clerk of Court shall enter judgment in favor of Defendants and against Plaintiff and close the file.

s/Sylvia H. Rambo SYLVIA H. RAMBO United States District Judge

Dated: January 3, 2014.

¹The court notes that the Plaintiff has failed to keep the court apprised of his address. The Federal Bureau of Prison's Inmate Locator (<u>www.bop.gov</u>) shows Plaintiff was released on October 11, 2013.